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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/687,100  | 10/12/2000  | Carl Phillip Gusler  | AUS9-2000-0401-US1  | 9974             |
| 35525   | 7590        | 06/28/2005           | EXAMINER            |                  |
| IBM CORP (YA)<br>C/O YEE & ASSOCIATES PC<br>P.O. BOX 802333<br>DALLAS, TX 75380 |             |                      | HOFFMAN, BRANDON S  |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2136                |                  |

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/687,100

Applicant(s)

GUSLER ET AL.

Examiner

Brandon S. Hoffman

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8 and 10-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-8 and 10-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1, 3-8, and 10-15 are pending in this office action.
2. Applicant's arguments, see appeal brief, filed March 31, 2005, with respect to the rejection(s) of claim(s) 1, 3-8, and 10-15 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Massarani (U.S. Patent No. 6,336,117).

### ***Rejections***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 7 and 14 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 7 and 14 contain the trademark/trade name Windows NT and UNIX.

Where a trademark or trade name is used in a claim as a limitation to identify or

describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe an operating system manufacturer and, accordingly, the identification/description is indefinite.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 3-8, and 10-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Massarani (U.S. Patent No. 6,336,117).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome

either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claims 1, 8, and 15, Massarani teaches a method/system/computer program product in a computer readable medium for use in a data processing system for filtering incoming data from an external computer network, the method/system/computer program product comprising:

- A firewall that is coupled to said external computer network (fig. 1, ref. num 126/127/135/136);
- A server computer system coupled to an internal computer network (fig. 1, ref. num 124);
- A plurality of clients that are coupled to said server computer system, said plurality of clients being unable to access said external computer network directly (fig. 1, ref. num 102/104);
- Receiving, at said firewall, a document from said external computer network (fig. 3, ref. num 308 and col. 6, lines 14-16);
- Determining, by said firewall, whether said document is from a known blocked site (fig. 3, ref. num 312 and col. 6, lines 20-22);
- In response to determining that said document is from a known blocked site, blocking, by said firewall, said document without scanning said document (fig. 3, ref. num 312 and col. 6, lines 20-22);

- Determining, by said firewall, whether said document is from a know safe site (fig. 3, ref. num 310 and col. 6, lines 17-19);
- In response to determining that said document is from a known safe site, forwarding, by said firewall, said document without scanning said document, all of said plurality of clients being permitted to access said forwarded document (fig. 3, ref. num 312 and col. 6, lines 20-22);
- In response to determining that said document is not from a known blocked site or a know safe site, scanning, by said firewall, text fields included in said document for pre-selected keywords (fig. 3, ref. num 316 and col. 6, lines 27-29);
- Blocking, by said firewall, the document if any of said text fields include content that contains pre-selected keywords (fig. 3, ref. num 316 and col. 6, lines 27-29);
- Said server computer system being prohibited from receiving said document in response to said document being blocked (fig. 3, ref. num 316 and col. 6, lines 27-29); and
- Indicating that a site that sent said document is a known blocked site by adding, by said firewall, the address of said site to a filtering table (col. 6, lines 27-29 and col. 7, lines 25-30).

Regarding claims 3 and 10, Massarani teaches wherein the document is allowed to pass per standard service rules if the content does not contain pre-selected keywords (col. 6, lines 30-32).

Regarding claims 4 and 11, Massarani teaches further comprising storing an indication in said filtering table of each known safe site that can be passed per standard service rules without having to be scanned for pre-selected keywords (col. 6, lines 30-32).

Regarding claims 5 and 12, Massarani teaches wherein the step of indicating that a site that sent said document is a known blocked site by adding, by said firewall, the address of a site to a filtering table further comprises adding the address of the site to a "known-block" table when said site has sent a document that includes said pre-selected keywords so that the site will be blocked in the future without having its contents scanned for pre-selected keywords (col. 6, lines 27-29 and col. 7, lines 25-30).

Regarding claims 6 and 13, Massarani teaches wherein the instructions for addition of a site to the filtering table are implemented in a strong text parsing language (col. 5, lines 32-39).

Regarding claims 7 and 14, Massarani teaches wherein the instance of the filter is periodically refreshed through a timed job on a Windows NT platform, a cron job on a UNIX platform, to enact the updated filtering tables (col. 6, lines 33-40).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon S. Hoffman whose telephone number is 571-272-3863. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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